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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 ANITA DUNLAP,  
11 a/k/a ALEXIS FRANCOIS,

12 Defendant.

CR01-373 TSZ

ORDER

13 THIS MATTER comes before the Court on defendant's pro se motion to expunge  
14 the record of her conviction, docket no. 59. Defendant may not collaterally attack her  
15 conviction by moving to expunge the records of her conviction. See United States v.  
16 Crowell, 374 F.3d 790 (9th Cir. 2004). A motion to expunge differs from a motion to  
17 vacate a conviction. A court that vacates a conviction "sets aside or nullifies the  
18 conviction and its attendant legal disabilities." Id. at 792. In contrast, expungement  
19 merely destroys or seals the records relating to the conviction, but "does not alter the  
20 legality of the previous conviction and does not signify that the defendant was innocent  
21 of the crime to which he [or she] pleaded guilty." Id. Congress has statutorily authorized  
22 expungement in certain circumstances, none of which are present in this case. See id. at  
23

792–93. Although federal courts are viewed as having “inherent authority to expunge criminal records in appropriate and extraordinary cases,” they may do so only in the event of “an unlawful arrest or conviction” or to correct “a clerical error.” *Id.* at 793. Defendant makes no showing that her conviction was unlawful, and thus, her motion to expunge the record of her conviction lacks merit. *See id.* at 793–97; *see also United States v. Doan*, No. Cr. 97-1039-06, 2009 WL 587391, at \*1 (D. Haw. Mar. 6, 2009) (“Defendant must first successfully have her conviction vacated before expungement could become an appropriate option.”).

**Conclusion**

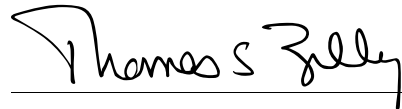
For the foregoing reasons, the Court ORDERS:

(1) Defendant’s pro se motion for expungement, docket no. 59, is DENIED.

(2) The Clerk is directed to send a copy of this Order to all counsel of record and to defendant pro se.

IT IS SO ORDERED.

Dated this 15th day of April, 2022.



Thomas S. Zilly  
United States District Judge